

REMARKS

Claims 1-20 are pending in the Application. Claim 1 is an independent claim and claims 2-7 and 19 depend therefrom. Claim 8 is an independent claim and claims 9-13 and 20 depend therefrom. Claim 14 is an independent claim and claims 15-18 depend therefrom. Claim 14 is currently amended. Claims 19-20 are new. The Applicant respectfully requests that the application be reconsidered in view of foregoing amendments and the following remarks.

Rejections Under 35 U.S.C. §102(e) - MacInnis

Claims 1-18 were rejected under 35 U.S.C. §102(e) as being anticipated by MacInnis et al. (U.S. Pub. No. 2003/0185306, hereinafter "MacInnis"). The Applicant respectfully traverses the rejections for at least the following reasons.

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding claim 1, the Applicant respectfully submits that the cited sections of MacInnis fail to teach, suggest, or disclose, for example, "a host processor for providing an indication to the video decoder indicating the particular encoding standard; and wherein the video decoder executes the first set of instructions if the indication indicates that the particular encoding standard is the first encoding standard and executes the second set of instruction if the indication indicates that the particular encoding standard is the second encoding standard," as set forth in Applicant's independent claim 1.

The non-final Office Action states the following:

MacInnis teaches...

a host processor for providing an indication to the video decoder indicating the particular encoding standard, (fig. 2, abstract, ¶ [0066] ...utilizing the core processor...),

and wherein the video decoder executes the first set of instructions if the indication indicates that the particular encoding standard is the first encoding standard and executes the second set of instructions if the indication indicates that the particular encoding standard is the second encoding standard, (figs. 1-3, abstract, ¶ [0083] system 300 of fig. 3 provides...).

(Office Action, Pages 2-3). With regard to the host processor, the Office Action cites to FIG. 2, the abstract and paragraph [0066] of MacInnis. However, the cited sections of MacInnis indicate that the core processor 302 is a part of the video decoder. For example, the Abstract of MacInnis states that “[t]he decoding system employs hardware accelerators that assist a core processor in performing selected decoding tasks.” (MacInnis, Abstract). Further, FIG. 2 of MacInnis discloses digital video decoder 116 and states that the digital video decoding system 300 of FIG. 3 can illustratively be employed to implement the digital video decoder 116 of FIGS. 1 and 2. The core processor 302 is the central control unit of the decoding system 300.” (MacInnis, Paragraph 30). As another example, MacInnis states that “[a]ll video decode processing, except where otherwise noted, is performed in the core processor.” (MacInnis, Paragraph [0040]). Applicant’s independent claim 1 recites, for example, “**a video decoder** for decoding the video data encoded with the particular standard” **and** “**a host processor** for providing an indication to the video decoder indicating the particular encoding standard.” Because the cited sections of MacInnis disclose that the core processor 302 is part of the video decoder 116, the cited sections of MacInnis fail to disclose “**a video decoder** for decoding the video data encoded with the particular standard” **and** “**a host processor** for providing an indication to the video decoder indicating the particular encoding standard,” as set forth in Applicant’s independent claim 1. Because the Office Action has failed to show “each and every element as set forth in the claim is

found, either expressly or inherently described, in a single prior art reference” as required for an anticipation rejection under MPEP 2131, the rejection of claim 1 under 35 U.S.C. § 102(e) cannot be maintained.

Additionally, the Office Action alleges that FIGS. 1-3, the abstract and Paragraph [0083] of MacInnis disclose “wherein the video decoder executes the first set of instructions if the indication indicates that the particular encoding standard is the first encoding standard and executes the second set of instruction if the indication indicates that the particular encoding standard is the second encoding standard,” as set forth in Applicant’s independent claim 1. However, nowhere in the cited sections of MacInnis is there any mention of, for example, a “first set of instructions” or a “second set of instructions,” let alone that “the video decoder executes the first set of instructions if the indication indicates that the particular encoding standard is the first encoding standard and executes the second set of instruction if the indication indicates that the particular encoding standard is the second encoding standard,” as set forth in Applicant’s independent claim 1. Because the Office Action has failed to show “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” as required for an anticipation rejection under MPEP 2131, the rejection of claim 1 under 35 U.S.C. § 102(e) cannot be maintained.

Therefore, for at least the above stated reasons, Applicant respectfully submits that the MacInnis reference fails to teach, suggest, or disclose Applicant’s invention as set forth in claim 1. The Applicant believes that claim 1 is allowable over MacInnis. Applicant respectfully submits that claim 1 is an independent claim, and that claims 2-7 and 19 depend either directly or indirectly from independent claim 1. Because claims 2-7 and 19 depend from claim 1, Applicant respectfully submits that claims 2-7 and 19 are allowable over the MacInnis reference, as well. The Applicant respectfully requests, therefore, that the rejection of claims 1-7 under U.S.C. §102(e), be withdrawn.

Regarding claim 8, the Applicant respectfully submits that the cited sections of MacInnis fail to teach, suggest, or disclose, for example, “executing a first set of instructions if the indication indicates that the particular encoding standard is a first encoding standard; and executing a second set of instructions if the indication indicates that the particular encoding standard is the second encoding standard,” as set forth in Applicant’s independent claim 8.

The non-final Office Action states the following:

MacInnis teaches...

executing a first set of instructions if the indication indicates that the particular encoding standard is a first encoding standard, (fig. 1, abstract, ¶ [0065] first encoding/ decoding format...),

and executing a second set of instructions if the indication indicates that the particular encoding standard is the second encoding standard, (figs. 1, abstract, ¶ [0065] second encoding/ decoding format...).

(Office Action, Pages 4-5). The Office Action alleges that FIG. 1, the abstract and Paragraph [0065] of MacInnis discloses “executing a first set of instructions if the indication indicates that the particular encoding standard is a first encoding standard; and executing a second set of instructions if the indication indicates that the particular encoding standard is the second encoding standard,” as set forth in Applicant’s independent claim 8. However, nowhere in the cited section of MacInnis is there any mention of, for example, a “first set of instructions” or a “second set of instructions,” let alone “executing a first set of instructions if the indication indicates that the particular encoding standard is a first encoding standard; and executing a second set of instructions if the indication indicates that the particular encoding standard is the second encoding standard,” as set forth in Applicant’s independent claim 8. Because the Office Action has failed to show “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” as required for an anticipation

rejection under MPEP 2131, the rejection of claim 8 under 35 U.S.C. § 102(e) cannot be maintained.

Therefore, for at least the above stated reasons, Applicant respectfully submits that the MacInnis reference fails to teach, suggest, or disclose Applicant's invention as set forth in claim 8. The Applicant believes that claim 8 is allowable over MacInnis. Applicant respectfully submits that claim 8 is an independent claim, and that claims 9-13 and 20 depend either directly or indirectly from independent claim 8. Because claims 9-13 and 20 depend from claim 8, Applicant respectfully submits that claims 9-13 and 20 are allowable over the MacInnis reference, as well. The Applicant respectfully requests, therefore, that the rejection of claims 8-13 under U.S.C. §102(e), be withdrawn.

Regarding claim 14, the Applicant respectfully submits that MacInnis fails to teach, suggest, or disclose, for example, "a processor for loading the code memory with a first set of instructions for decoding encoded video data according to a first encoding standard, where the video data is encoded according to the first encoding standard and for loading the code memory with a second set of instructions for decoding encoded video data according to a second encoding standard, wherein the video data is encoded according to the second encoding standard," as set forth in Applicant's independent claim 14.

The non-final Office Action states the following:

MacInnis teaches, a system for decoding video data encoded with a particular standard, said system comprising: a code memory for instructions; and a processor for loading the code memory with a first set of instructions for decoding encoded video data according to a first encoding standard, (figs. 1-2, abstract, ¶ [002], ...encoding/ decoding standards...),

where the video data is encoded according to the first encoding standard and for loading the code memory a second set of

instruction for decoding encoded video data according to a second encoding standard, (fig. 1, abstract, ¶ [0065] first encoding/decoding format...),

wherein the video data is encoded according to the second encoding standard. (fig. 1, abstract, ¶ [0065] second encoding/decoding format...).

(Office Action, Pages 6-7). However, nowhere in the cited sections of MacInnis is there any mention of, for example, "loading the code memory," "a first set of instructions," and "a second set of instructions," let alone "a processor for loading the code memory with a first set of instructions for decoding encoded video data according to a first encoding standard, where the video data is encoded according to the first encoding standard and for loading the code memory with a second set of instructions for decoding encoded video data according to a second encoding standard, wherein the video data is encoded according to the second encoding standard," as set forth in Applicant's independent claim 14. Because the Office Action has failed to show "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" as required for an anticipation rejection under MPEP 2131, the rejection of claim 14 under 35 U.S.C. § 102(e) cannot be maintained.

Therefore, for at least the above stated reasons, Applicant respectfully submits that the MacInnis reference fails to teach, suggest, or disclose Applicant's invention as set forth in claim 14. The Applicant believes that claim 14 is allowable over MacInnis. Applicant respectfully submits that claim 14 is an independent claim, and that claims 15-18 depend either directly or indirectly from independent claim 14. Because claims 15-18 depend from claim 14, Applicant respectfully submits that claims 15-18 are allowable over the MacInnis reference, as well. The Applicant respectfully requests, therefore, that the rejection of claims 14-18 under U.S.C. §102(e), be withdrawn.

New Claims

The present application adds new claims 19 and 20, which depend from claims 1 and 8, respectively. Thus, the Applicant submits that, for at least the reasons discussed previously with regard to claims 1 and 8, new claims 19 and 20 are allowable over MacInnis as well. Additionally, the Applicant submits that each of claims 19-20 is independently allowable.

Final Matters

The Office Action makes various statements regarding claims 1-18, 35 U.S.C. § 102(e), the MacInnis reference, etc. that are now moot in view of the above amendments and/or arguments. Thus, the Applicant will not address all of such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicant reserves the right to argue additional reasons supporting the allowability of claims 1-20 should the need arise in the future.

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Resp. to Office Action mailed Dec. 11, 2007
Response dated April 9, 2008

CONCLUSION

Applicant respectfully submits that all of claims 1-20 are in condition for allowance, and requests that the application be passed to issue.

Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: April 9, 2008

Respectfully submitted,

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